



General Assembly

January Session, 2013

## Substitute Bill No. 5345



### **AN ACT CONCERNING HOMEMAKER-COMPANION AGENCIES AND CONSUMER PROTECTION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-678 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective January 1, 2014*):

3 On or after January 1, 2012, each homemaker-companion agency,  
4 prior to extending an offer of employment or entering into a contract  
5 with a prospective employee, shall require such prospective employee  
6 to submit to a comprehensive background check. In addition, each  
7 homemaker-companion agency shall require that such prospective  
8 employee complete and sign a form which contains questions as to  
9 whether the prospective employee was convicted of a crime involving  
10 violence or dishonesty in a state court or federal court in any state; or  
11 was subject to any decision imposing disciplinary action by a licensing  
12 agency in any state, the District of Columbia, a United States  
13 possession or territory or a foreign jurisdiction. Any prospective  
14 employee who makes a false written statement regarding such prior  
15 criminal convictions or disciplinary action shall be guilty of a class A  
16 misdemeanor. Each homemaker-companion agency shall maintain a  
17 paper or electronic copy of any materials obtained during the  
18 comprehensive background check and shall make such records  
19 available for inspection upon request of the Department of Consumer  
20 Protection. Prior to sending an employee to a client's residence for the

21 first time, each homemaker-companion agency shall inform such  
22 client, in writing, of the result of any comprehensive background check  
23 performed in relation to such employee pursuant to this section.

24 Sec. 2. Section 20-679 of the general statutes is repealed and the  
25 following is substituted in lieu thereof (*Effective January 1, 2014*):

26 Not later than seven calendar days after the date on which a  
27 homemaker-companion agency commences providing homemaker  
28 services or companion services, such agency shall provide the person  
29 who receives the services, or the authorized representative of such  
30 person, with a written contract or service plan that prescribes the  
31 anticipated scope, type, frequency, duration and cost of the services  
32 provided by the agency. In addition, any contract or service plan  
33 provided by a homemaker-companion agency to a person receiving  
34 services shall also provide [notice] conspicuous notice, in boldface type  
35 (1) of the person's right to request changes to, or review of the contract  
36 or service plan, (2) of the employees of such agency who, pursuant to  
37 section 20-678, as amended by this act, are required to submit to a  
38 comprehensive background check, [and] (3) that such agency's records  
39 are available for inspection or audit by the Department of Consumer  
40 Protection, (4) that the agency is not able to guarantee the extent to  
41 which its services will be covered under any insurance plan, and (5)  
42 that such contract or service plan may be cancelled at any time by the  
43 client if such contract or service plan does not contain a specific period  
44 of duration. No contract or service plan for the provision of  
45 homemaker or companion services shall be valid against the person  
46 who receives the services or the authorized representative of such  
47 person, unless the contract or service plan has been signed by a duly  
48 authorized representative of the homemaker-companion agency and  
49 the person who receives the services or the authorized representative  
50 of such person. The requirements of this section shall not apply to  
51 homemaker services or companion services provided under the  
52 Connecticut home-care program for the elderly administered by the  
53 Department of Social Services in accordance with section 17b-342. A

54 written contract or service plan between a homemaker-companion  
 55 agency and a person receiving services or the authorized  
 56 representative of such person shall not be enforceable against such  
 57 person receiving services or authorized representative unless such  
 58 written contract or service plan contains all of the requirements of this  
 59 section.

60 Sec. 3. (NEW) (*Effective January 1, 2014*) A client may cancel a  
 61 contract or service plan entered into with a homemaker-companion  
 62 agency, pursuant to chapter 400o of the general statutes, at any time if  
 63 such contract or service plan does not state a specific period of  
 64 duration. A client shall only be obligated to pay for actual services  
 65 rendered pursuant to such contract or service plan and shall not be  
 66 billed by or on behalf of a homemaker-companion agency for excess  
 67 fees or costs when such agency provides the services of a higher-  
 68 skilled individual than needed by the client.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2014</i>	20-678
Sec. 2	<i>January 1, 2014</i>	20-679
Sec. 3	<i>January 1, 2014</i>	New section

**Statement of Legislative Commissioners:**

In section 1, "its clients" was changed to "such client", in section 2, the comma after "conspicuous" was deleted and "notice in" and "type" were added for clarity and in section 2(2), ", as amended by this act," was added for accuracy.

**GL**            *Joint Favorable Subst. -LCO*